

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES GREGORY CASTILLO,

Plaintiff,

v.

COUNTY OF YAKIMA, JAMES P.
HAGARTY, JARED BOSWELL,
BLAINE GIBSON and KENNETH
RABER,

Defendants.

NO: CV-11-3055-JPH

ORDER STRIKING REPORT AND
RECOMMENDATION AND
GRANTING MOTION TO
VOLUNTARILY DISMISS

By Order filed October 20, 2011, the Court reserved ruling on the Report and Recommendation to dismiss the First Amended Complaint and granted Mr. Castillo a second opportunity to amend or voluntarily dismiss, ECF No. 11. Plaintiff has filed a Motion to Voluntarily Dismiss Complaint pursuant to Fed. R. Civ. P. 41(a), ECF No. 13.

Accordingly, **IT IS ORDERED** the Report and Recommendation, ECF No. 9, is **STRICKEN**. Because Defendants have not been served in this action, **IT IS ORDER STRIKING REPORT AND RECOMMENDATION AND GRANTING MOTION TO VOLUNTARILY DISMISS -- 1**

1 **ORDERED** Plaintiff's Motion, ECF No. 13, is **GRANTED** and the Complaint is
2 **DISMISSED WITHOUT PREJUDICE**. Although granted the opportunity to do
3 so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining
4 balance of the filing fee as directed. Therefore, Plaintiff still is obliged to pay the
5 full filing fee for this action pursuant to 28 U.S.C. § 1915(b).

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
7 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff,
8 and close the file.

9 **DATED** this 5th day of December 2011.

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11 *s/ Rosanna Malouf Peterson*
12 ROSANNA MALOUF PETERSON
13 Chief United States District Court Judge
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